

## **REMARKS**

Claims 1-20 were previously pending in the application. By this amendment, Applicant has amended claims 1, 3, 5, 9, 13 and 15, canceled claims 11 and 20, and added new claims 21-23. Support for the amendments to the claims can be found throughout the application. Amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any of the rejections by the Examiner. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application.

### Drawings

Applicant has amended Figure 1 to identify more clearly the feature referenced by reference numeral 36, the "inner facet."

### Claim Objections

The Examiner has objected to claim 13 for an informality. Accordingly, Applicant has amended claim 13 to recite "a bottom." Applicant therefore respectfully submits that the rejection be withdrawn.

### Claim Rejections

In the Office Action, the Examiner rejected claims 1-20 as being anticipated by U.S. Patent No. 6,398,056 to Letourneau ("Letourneau").

Applicant respectfully disagrees with the rejection raised by the Examiner. Applicant has amended independent claims 1, 9 and 15 to more clearly define the invention. Independent claims 1, 9 and 15, as amended, recite a cupholder having, among other things, first and second gripping flanges extending inwardly from at least one holding extension,

each of said first and second gripping flanges having a concave inner facet surface and a convex outer facet surface with a facet interface edge therebetween.

Applicant submits that Letourneau does not disclose or suggest a cupholder having first and second gripping flanges extending inwardly from at least one holding extension, each of said first and second gripping flanges having a concave inner facet surface and a convex outer facet surface, said inner and outer facet surfaces meeting at a facet interface edge.

Referring to Figures 1-3, by way of example only, the cupholder of the present invention includes, among other things, at least one holding extension 18 having first 24 and second 26 gripping flanges extending inwardly from the holding extension. These gripping flanges are formed to grip cups or other containers when inserted into the cavity. The gripping flanges are distinct members that include two facets, a concave inner facet surface 36 and a convex outer facet surface 38. The concave inner facet surface and convex outer facet surface define the shape of the gripping flange. Each pair of inner and outer facets meet at a facet interface edge 40, which extends along the gripping flange. The facet interface edge 40 is defined along the intersection of the concave inner facet surface and the concave outer facet surface. The facet interface edge is configured to engage and hold a container in place within the cavity of the cupholder.

By contrast, Letourneau merely discloses a cupholder having a plurality of planar stabilizing walls sloping inwardly from a stabilizing shoulder. Letourneau does not disclose gripping flanges having a concave inner facet surface and a convex outer facet surface with a facet interface edge therebetween to engage a container inserted into the cavity, as claimed. Instead, Letourneau discloses a stabilizing wall, wherein the planar

surface of the stabilizing wall apparently is adapted to contact the container inserted into the cavity.

In the Official Action of April 27, 2005, the Examiner included annotated Figures from Letourneau to indicate the elements of Letourneau which the Examiner has interpreted as corresponding to elements of the claimed invention. The Examiner has indicated that the stabilizing wall of Letourneau having a slot which vertically bisects the stabilizing wall defines first and second gripping flanges. With respect to these annotated Figures of Letourneau, Applicant respectfully submits that the Examiner has incorrectly designated features of Letourneau as the inner facet surface and parabolic junction elements. What the Examiner has indicated as the inner facet and parabolic junction of Letourneau is actually the opening or slot which vertically bisects the stabilizing wall of Letourneau. Hence, as interpreted by the Examiner, the gripping flanges of Letourneau are not ever defined by a facet interface edge, as originally claimed, let alone a facet interface edge between a concave inner facet surface and a convex outer facet surface. Letourneau does not suggest a gripping flange having a concave inner facet surface and a convex outer facet surface with a facet interface edge therebetween as claimed. Instead, Letourneau merely discloses a planar inner facet surface adapted to contact the container inserted in the cavity.

For at least these reasons, Applicant respectfully submits that Letourneau does not anticipate or render obvious the subject matter of independent claims 1, 9 and 15.

Applicant respectfully submits that independent claim 1 is allowable over the prior art of record at least for the reasons set forth above. Claims 3-8 depend, directly and indirectly, from claim 1. Therefore, claims 3-8 include all of the limitations of claim 1, in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 1 is allowable over the cited art, claims 3-8 are also allowable for at least the same

reasons applicable to claim 1. Furthermore, dependent claims 3-8 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 3-8 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 3-8 are further allowable over the prior art of record.

Applicant respectfully submits that independent claim 9 is allowable over the prior art of record at least for the reasons set forth above. Claims 10, 12-14 depend, directly and indirectly, from claim 9. Therefore, claims 10, 12-14 include all of the limitations of claim 9 in addition to the limitations recited in each individual dependent claim.

Accordingly, because claim 9 is allowable over the cited art, claims 10, 12-14 are also allowable for at least the same reasons applicable to claim 9. Furthermore, dependent claims 10, 12-14 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 10, 12-14 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 10, 12-14 are further allowable over the prior art of record.

Applicant respectfully submits that independent claim 15 is allowable over the prior art of record at least for the reasons set forth above. Claims 16-19 depend, directly and indirectly, from claim 15. Therefore, claims 16-19 include all of the limitations of claim 15 in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 15 is allowable over the cited art, claims 16-19 are also allowable for at least the same reasons applicable to claim 15. Furthermore, dependent claims 16-19 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 16-19 further specify the configuration of the gripping flanges and recite

details of a raised portion at the cavity base. As such, dependent claims 16-19 are further allowable over the prior art of record.

Furthermore, and in accordance with a preferred embodiment of the invention, as recited in new dependent claims 21-23, the concave inner facet surface is offset from the convex outer facet surface to define a stepped relation at the facet interface edge, as depicted in Figures 1 and 2. Applicant submits that Letourneau does not disclose or suggest a concave inner facet surface offset from a convex outer facet surface to define a stepped relation at the facet interface edge. As such, dependent claims 21-23 are further allowable over the prior art of record.

#### Formal Request for Interview

Applicant requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant's agent, Annalisa L. Altieri, may be reached at telephone number (212) 294-3292 to schedule a mutually convenient date and time and to provide assistance or additional information as required.

#### **CONCLUSION**

On the basis of the foregoing amendment and remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that the previous rejections of the pending claims be withdrawn, and that claims 1 and 3-10, 12-19, and 21-23 be allowed. Favorable consideration and timely allowance of this application are respectfully requested.

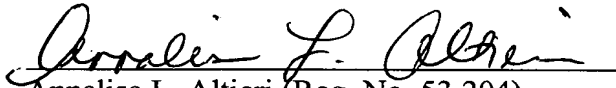
Applicant authorizes the Commissioner to charge any additional fees and/or credit any overpayments associated with this paper to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 086056-05900-USPT. Further, if a fee is required for an extension of

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Response dated October 27, 2005  
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time under 37 C.F.R. § 1.136 not provided for above, Applicant requests such extension and authorizes the charging of the extension fee to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 086056-05900-USPT.

Respectfully submitted,

Date: October 27, 2005

  
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### **AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings include changes to Fig. 1. The annotated sheet indicates the changes made. In Figure 1, the line designation for reference numeral 36 has been revised to identify the inner facet of the second gripping flange more clearly.

Attachment: Annotated Sheet Showing Changes